

**Agreement Between the United States of America
and Georgia Regarding the Surrender of Persons
to the International Criminal Court**

The United States of America and Georgia, hereinafter "the Parties,"

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

Considering that Georgia and the United States of America have expressed their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by its officials, employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

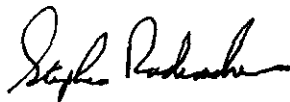
1. For the purposes of this Agreement, "persons" of either Party include all nationals of that Party and, for the United States, also include current and former non-U.S. national U.S. military personnel with respect to acts or omissions allegedly committed or occurring while they are or were U.S. military personnel.
2. Persons of one Party present in the territory of the other shall not, absent the expressed consent of the first Party,
 - (a) be surrendered or transferred by any means to the International Criminal Court for any purpose, or
 - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.
3. When the United States extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the United States will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the expressed consent of Georgia.

4. When Georgia extradites, surrenders, or otherwise transfers a person of the United States to a third country, Georgia will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the United States.
5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done in Georgia, this 10th day of February 2003, in Tbilisi, in the English and Georgian languages. In case of differences in interpretation, the English language text shall prevail.

On behalf of the United States
Of America:

On behalf of Georgia:



Assistant Secretary of State
Steven Rademaker



Minister of Foreign Affairs
Irakli Menagharishvili